

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. of:	Robert J. SMALL and Zhefei J. CHEN	Confirmation No:	1702
Serial No:	10/057,206	Group:	1793
Filed:	January 25, 2002	Examiner:	M. Marcheschi
Entitled:	COMPOSITIONS FOR CHEMICAL MECHANICAL PLANARIZATION OF NOBLE-METAL-FEATURED SUBSTRATES, ASSOCIATED METHODS, AND SUBSTRATES PRODUCED BY SUCH METHODS		
		Atty Docket:	63254-5002

**PETITION PURSUANT TO 37 C.F.R. 1.137 (b) TO REVIVE AN UNINTENTIONALLY
ABANDONED PATENT APPLICATION**

U.S. Patent and Trademark Office
Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, Virginia 22314 - **PETITIONS**

Sir:

Pursuant to the provisions of 37 C.F.R. §1.137(b), Applicants hereby petition to revive the above-referenced application, which has been unintentionally abandoned for failure to provide a Deposit Account Number for charging the issue/publication fee. Thus, the date of unintentional abandonment was on December 22, 2008 (the final day for payment of the fee).

Applicants submit that the issue fee payment form (PTOL-85) was submitted on October 14, 2008, with the box checked for the Deposit Account; however, the Morgan Lewis number was inadvertently omitted. The undersigned truthfully states that this omission was an oversight error, and, as a result, the application went unintentionally abandoned. Attached is a copy of the stamped receipt card, a revised PTOL-85 form, including the Deposit Account Number attesting to the fact that Applicant responded timely to pay the issue fee in a timely manner.

The present Petition is being filed pursuant to 37 C.F.R. § 1.137(b), which governs petitions based upon unintentionally abandoned patent applications. The section requirements are:

(1) The reply required to the outstanding Office action or notice, unless previously filed (revised PTOL-85 with Deposit Account information); and

(2) The petition fee as set forth in § 1.17(m);

(3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional.

Accordingly, this Petition is accompanied by:

(1) The required reply to the Office Action mailed on **September 22, 2008** (issue/publication fee); and

(2) The petition fee required under 37 CFR 1.17(m) of **\$1540.00**, which is to be deducted from Deposit Account 50-0310 to revive the unintentionally abandoned application. Additional fees authorized are the issue (\$1440) and publication fee (\$300) a total of **\$1,740.00** including the cost of five (5) soft patent copies (\$3 each total **\$15**) for a grand total of **\$3,295.00**, which is to be deducted from deposit account **50-0310**.

(3) Applicant hereby states that the omission of the Deposit Account Number information on the (PTOL-85) form was unintentional clerical error. Accordingly, Applicants state that the entire delay in filing the completed required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional.

Having met the requirements of 37 C.F.R. § 1.137(b), Applicants respectfully request that the Commissioner grant this petition to revive the above-identified U.S. patent application.


Additionally, Applicants submit that the instant application went abandoned merely because Applicants did not include the Deposit Account number on the PTOL-85. Therefore, Applicants petition for a fee waiver for this petition, noting the PTOL-85 form to charge the fee was submitted well in advance of the due date and Applicants would have appropriately paid the fee simply upon receipt of a notification of the non-inclusion of the Deposit Account information. Applicants hereby authorize the Commissioner to charge **\$400** to our Deposit Account No. **50-0310** for the petition fee set forth in 37 CFR §1.17(f) to request a fee waiver for the petition fee to revive unintentionally abandoned application under 37 CFR §1.137(b).

However, if the request for the fee waiver is not granted and the revival fee is necessary for this petition then the Commissioner is hereby authorized by this paper to charge the fees

under 37 C.F.R. §1.17(m) of **\$1540.00** including any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17, which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account **50-0310**. This paragraph is intended to be a constructive petition for extension of time in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

Date: January 29, 2009



Laba Karki Ph.D (Reg. No. 55,317)
Morgan, Lewis & Bockius LLP
1111 Pennsylvania Avenue, N.W.
Washington, D.C. 20004
(202) 739-5590

PLEASE STAMP AND RETURN TO SHOW RECEIPT OF:

In re APPLICATION of:

INVENTOR: Robert J. SMALL et al.

Confirmation No: 1702

Group Art Unit: 1755

Appln. No.: 10/057,206

Filed: January 25, 2002

Examiner: Marcheschi

FOR: COMPOSITIONS FOR CHEMICAL-
MECHANICAL PLANARIZATION OF NOBLE-
METAL-FEATURED SUBSTRATES,
ASSOCIATED METHODS, AND SUBSTRATES
PRODUCED BY SUCH METHODS

1. Payment of IF/Publication fees, and 5 soft copies, and fee auth. (\$1755)
- 2.
- 3.

Attorney Docket No.: 063254-5002-US

Dated: October 14, 2008

LK/ds



63254-5002
DOCKETED
By [signature] Date 10/15/08

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: **Mail** Mail Stop ISS, **Commissioner for Patents**
P.O. Box 1450
Alexandria, Virginia 22313-1450
or **Fax** (571)-273-2885

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed with appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

9629

7590

09/22/2008

MORGAN LEWIS & BOCKIUS LLP
1111 PENNSYLVANIA AVENUE NW
WASHINGTON, DC 20004

Note: A certificate of mailing can only be used for domestic mailings of Fee(s) Transmittal. This certificate cannot be used for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)

(Signature)

(Date)

APPLICATION NO	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO	CONFIRMATION NO.
10/057,206	01/25/2002	Robert J. Small	063254-5002US	1702

TITLE OF INVENTION: COMPOSITIONS FOR CHEMICAL-MECHANICAL PLANARIZATION OF NOBLE-METAL-FEATURED SUBSTRATES, ASSOCIATED METHODS, AND SUBSTRATES PRODUCED BY SUCH METHODS

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1440	\$300	\$0	\$1740	12/22/2008
EXAMINER	ART UNIT	CLASS-SUBCLASS				
MARCHESCHI, MICHAEL A.	1793	051-307000				

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

☐ Change of correspondence address (or Change of Correspondence Address form PTO-SB-122) attached.

☐ "Fee Address" indication (or "Fee Address" Indication form PTO-SB-147, Rev. 03-02 or more recent) attached. Use of a Customer Number is required.

2. For printing on the patent front page, list

(1) the names of up to 3 registered patent attorneys or agents OR, alternatively,

(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

Morgan Lewis & Bockius

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3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY AND STATE OR COUNTRY)

DuPont Air Products NanoMaterials LLC

Tempe, AZ

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☒ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

☒ Issue Fee

☒ Publication Fee (No small entity discount permitted)

☒ Advance Order - # of Copies 5

4b. Payment of Fee(s) (Please first reapply any previously paid issue fee shown above)

☐ A check is enclosed.

☐ Payment by credit card. Form PTO-2038 is attached.

☒ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number 50-0310 (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27.

☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant, a registered attorney or agent, or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature

Laba Karki

Date **October 14, 2008**

Typed or printed name

Laba Karki

Registration No. **55,317**

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is not provided by the USPTO to persons submitting the information. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and reviewing the information to be submitted to the USPTO. Time will vary depending upon the individual case. Any comments on the burden of time you require to complete this collection of information, including suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, 1415 Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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